

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHRISTOPHER MARK REDDEN
(Dallas Cty. Jail BookIn No. 17063252),

Plaintiff,

V.

OFFICER PENLAND, ET AL.,

Defendants.

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No. 3:18-cv-2211-S-BN

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. The Court construed Plaintiff's Addendum to Motion to Reopen Case [ECF No. 22] as an objection. The District Court reviewed *de novo* those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding no error, the Court ACCEPTS the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

The Court therefore GRANTS Plaintiff Christopher Mark Redden's motion to reopen this case [Dkt. No. 20] and DISMISSES with prejudice all remaining claims currently before the Court – except his claim for excessive force in violation of the Fourth Amendment – to their being asserted again until the *Heck v. Humphrey*, 512 U.S. 477 (1994) conditions are met. *See Johnson v. McElveen*, 101 F.3d 423, 424 (5th Cir. 1996) (per curiam) (stating that, when *Heck* applies, “[a] preferred order of

dismissal would read: Plaintiff[s] claims are dismissed with prejudice to their being asserted again until the *Heck* conditions are met.”).

The Clerk of Court is DIRECTED to RE-OPEN this action. And the Fourth Amendment claim is RE-REFERRED to Magistrate Judge David L. Horan for pretrial management.

SO ORDERED this 9th day of January, 2019.


UNITED STATES DISTRICT JUDGE